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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,150	09/12/2003	Brent A. Wilder	P-6598	6800

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EXAMINER

CHIN, RANDALL E

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/661,150

Applicant(s)

WILDER, BRENT A.

Examiner

Randall Chin

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1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03152004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

All pages should be numbered.

On p.3, last line, "an rod 32" should read --a rod 32--.

Appropriate correction is required.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: dust pan or dirt receptacle **36** as recited on p. 4, line 6. Also, Fig. 2 includes two elements with reference numeral 32 which is improper.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two brush rollers interposed between the wheels as recited in claim 3 must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claims 1 and 2 are objected to because of the following informalities:

Claim 1, line 1, "An floor sweeper" should read --A floor sweeper--.

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Claim 2, line 1, "back portions" should read –back portion--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Design Patent 101,975 to Smith (hereinafter Smith '975).

Smith '975 teaches with respect to claim 1 a floor sweeper having a handle, a base portion having a top portion and four side portions, a plurality of wheels, at least one brush roller, and a bottom receptacle (although the receptacle is not shown, it would still be taught by Smith '975 as such arrangement is merely standard of these carpet sweepers), the improvement comprising at least one segment of the top portion being formed from a transparent material as shown in the Figure (since it's a window, see col. 2, lines 2-3), whereby a user may observe material being captured by the sweeper and the operation of the brush roller during operation. Examiner also notes the Jepson claim format wherein Applicant acknowledges that the floor sweeper with handle, base portion having a top portion and four side portions, a plurality of wheels, at least one brush roller, and a bottom receptacle is old and well known.

To avoid redundancy, claim 5 is similarly rejected as above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '975 in view of Smith '269.

Smith '975 teaches all of the recited subject matter with the exception of two transparent segments located at each of the front and back portions of said top portion, whereby the user may observe captured material in both bottom receptacles by way of each of the two transparent sections and the transparent segments being plastics.

Smith '269 discloses a floor sweeper wherein three panels 11, 12 and 13 can all be made from transparent plastic material for viewing purposes (Fig. 1) thus providing for an arrangement where two transparent segments located at each of the front and back portions of said top portion (col. 4, lines 43-56).

It would have been obvious to one skilled in the art to have modified the Smith '975 device such that there are two transparent segments located at each of the front and back portions of said top portion whereby the user may observe captured material in both bottom receptacles by way of each of the two transparent sections and to have made the transparent segments of plastic for safety reasons and to make the entire device lighter in weight all as taught by Smith '269.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '975 in view of Rosendall '156.

Smith '975 teaches all of the recited subject matter with the exception of two brush rollers interposed between the wheels. Rosendall '156 teaches a carpet sweeper having two brush rollers interposed between the wheels. It would have been obvious to one of ordinary skill in the art to have modified Smith's device such that there are two brush rollers interposed between the wheels as taught by Rosendall '156 as this arrangement is typically standard in the carpet sweeper art and also facilitates the picking up of debris into the receptacles.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '975 in view of Miller '528.

Smith '975 teaches all of the recited subject matter with the exception of the at least one bottom receptacle being attached to said body by a spring whereby the receptacle will return to its original closed position when opened and released by a user. Miller '528 teaches a spring 53 (Fig. 7) attaching a bottom receptacle 51 or 52 whereby the receptacle will return to its original closed position when opened and released by a user (p. 3, col. 1, lines 14-18). It would have been obvious to one of ordinary skill in the art to have provided Smith's device with the at least one bottom receptacle being attached to said body by a spring as taught by Miller '528 whereby the receptacle will

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return to its original closed position when opened and released by a user in order to keep the receptacle closed.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Tawara and Parrish references teaches a transparent window-type element.

11. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Klm, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should



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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin  
Primary Examiner  
Art Unit 1744